



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, California 92011



In Reply Refer To:  
FWS/EC-RSR-ARARs-1

**FEB 17 2012**

Mr. Robert Wise  
CHMM Federal On-Scene Coordinator  
U.S. Environmental Protection Agency  
Emergency Response Section, Region 9  
2445 N. Palm Drive, Suite 100  
Signal Hill, California 90755

Dear Mr. Wise:

**Subject: Applicable or Relevant and Appropriate Requirements (ARARs) for Redlands Shooting Park, Redlands, California**

This is in response to your email correspondence, dated February 1, 2012, requesting the U.S. Fish and Wildlife Service (Service) to identify Applicable or Relevant and Appropriate Requirements (ARARs) to be considered for the removal action and remedial activities planned for the subject site.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

The Redlands Shooting Range is located in the City of Redlands, California, adjacent to the Santa Ana River. The federally endangered San Bernardino kangaroo rat (*Dipodomys merriami parvus*) and Santa Ana River woolly-star (*Eriastrum densifolium* subsp. *sanctorum*) occur within the range and its impact area. The federally endangered slender-horned spineflower (*Dodecahema leptoceras*) occurs adjacent to the impact area and suitable habitat for this species occurs within the impact area. Occupied habitat for the federally threatened Santa Ana sucker (*Catostomus santaanae*) occurs in the Santa Ana River downstream of the shooting range. The impact area occurs within federally designated critical habitat for the Santa Ana sucker and the San Bernardino kangaroo rat. The overshoot area is within a portion of the Woolly-star Preserve Area established by the U.S. Army Corps of Engineers and covered by a Conservation Easement [Section 7 Consultation for Operations of Seven Oaks Dam, San Bernardino County, California (1-6-02-F-1000.10)].

Migratory birds are another trust resource that use the site. In addition to federally listed species and migratory birds, the Santa Ana watershed provides important habitat for a variety of diverse species such as aquatic invertebrates, amphibians, reptiles, fish, soil invertebrates, plants and

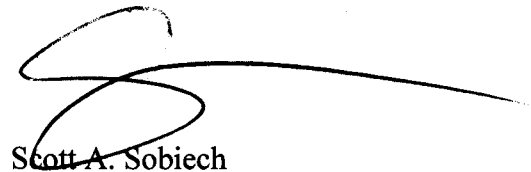
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numerous avian species. Trust resources prey on many of these species and rely on them as food sources.

The Service has identified several potential ARARs to be considered in preparation for implementation of remedial and/or removal actions at the Redlands Shooting Range (see attached enclosure).

We appreciate the opportunity to identify these ARARs for your consideration. If you have any questions regarding these comments, please contact Judy Gibson of my staff at 760-431-9440 extension 260.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line extending to the right.

Scott A. Sobiech  
Deputy Field Supervisor

Enclosure

Mr. Robert Wise (FWS-EC-RSR-ARARs-1)

<b>Potential Location-Specific Applicable or Relevant and Appropriate Requirements (ARARs) Relating to Fish and Wildlife Resources at the Redlands Shooting Range, Redlands, California</b>		
<b>Location-Specific ARAR</b>	<b>Requirement</b>	<b>Rationale</b>
Endangered Species Act of 1973 (16 U.S.C. § 1531 <i>et seq.</i> ).	Federal agencies in consultation with the Secretary are required to insure that any action it authorizes, funds, or carries out may not jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat.	Listed species occur in the vicinity of Site 12. Planned management actions should evaluate risk to listed species and cleanup levels should be protective of these resources.
50 CFR § 402	Regulations that implement sections 7 (a)-(d) [16 U.S.C. 1536 (a)-(d) of the Endangered Species Act of 1973, as amended.	Listed species occur in the vicinity of Site 12. Remedial actions and/or alternatives may require Section 7 consultation with the Service.
Migratory Bird Treaty Act of 1972 (16 U.S.C. § 703-712)	Protects species of native migratory birds in the U.S. from unauthorized "take."	Migratory are birds present in the vicinity of Site 12.
Exec. Order No. 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds	Directs Executive departments and agencies to take certain actions to further implement the protection of migratory birds and their habits through the Migratory Bird Treaty Act.	Migratory are birds present in the vicinity of Site 12.
Clean Water Act 1972 § 401	Permittee will comply with water quality standards including the designated beneficial uses of the water body.	Beneficial Uses for the Santa Ana River include RARE <sup>1</sup> and WILD <sup>2</sup>
Fish and Wildlife Coordination Act (16 U.S.C. § 661-666c)	Activities (e.g., diversion, channeling) that modify a stream or other water body and affect fish or wildlife.	The Santa Ana River provides foraging habitat for listed species and migratory birds.

<sup>1</sup> Rare Threatened or Endangered Species (RARE) waters support the habitats necessary for the survival and successful maintenance of plant or animal species designated under state or federal law as rare, threatened or endangered (SARWQCB 1995 *as Amended*).

<sup>2</sup> Wildlife Habitat (WILD) waters support wildlife habitats that may include, but are not limited to, the preservation and enhancement of vegetation and prey species used by waterfowl and other wildlife (SARWQCB 1995 *as Amended*).

**References:**

Santa Ana Regional Water Quality Control Board. 1995 *as Amended*. The Water Quality Control Plan (Basin Plan) for the Santa Ana River Basin. Regional Water Quality Control Board, CA  
<[http://www.waterboards.ca.gov/santaana/water\\_issues/programs/basin\\_plan/index.shtml](http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml)  
> accessed February 16, 2012.